

REMARKS

Claims 1-26 are pending, of which the independent claims are 1, 6, 15, 18, 27-29. Claims 1-3, 6-8, 11, 12, 15 and 16 have been amended. Reconsideration of the claims, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 6, 11, 13-14 and 24-29 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,226,675 to Meltzer et al. ("Meltzer").

Claim 1 recites:

A method of operating an intelligent digital device (IDD) receiving an eXtensible Markup Language (XML) document containing data and respective Document Type Definition (DTD) describing content of said data, comprising: verifying that a received DTD satisfies a predetermined criterion; and, if said criterion is satisfied, operating on said data based on said content.

Meltzer fails to disclose or suggest, "verifying that a received DTD satisfies a predetermined criterion."

Item 10 cites to lines 38-46 of column 23 in Meltzer, but this passage merely states that the type of a received document is identified, and that the document is parsed based on a stored DTD (col. 21, line 54: "stored"; col. 22, line 52: "stored"; col. 22, lines 57-61: "Thus, as the business interface definition is modified our updated . . . the translator 302 and the parser 301 are automatically kept up to date").

In particular, the Office Action seems to suggest that the Meltzer parser 301 or translator 302 may receive a DTD responsive to an external reference (col. 11, line 46: "bidl.dtd,"), but Meltzer makes no disclosure or suggestion of "verifying that a received DTD satisfies a predetermined criterion." Meltzer elements 301-303 mutually belong to a Meltzer participant node. It is unclear what function would be served by the type of

“verification” the Office Action appears to suggest. Such hypothetical “verification” amounts, at best, to mere speculation without so much as a shred of support in Meltzer.

Even if the Office Action envisions verification at the repository building stage, this, again, amounts to mere speculation. Moreover, Cheng fails to disclose or suggest, “verifying that a received DTD satisfies a predetermined criterion; and, if said criterion is satisfied, operating on said data based on said content.

For at least all of the above reasons, Meltzer fails to anticipate the invention as recited in claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 6 recites, “when the respective DTD for the generated XML document satisfies a predetermined criterion, operating on said data contained in the XML document at the second IDD based on said content.”

Meltzer makes no disclosure or suggestion of a DTD satisfying “a predetermined criterion.” Nor is there any disclosure or suggestion of “operating on said data contained in the XML document” “when” the DTD satisfies a predetermined criterion. For at least these reasons, Meltzer fails to anticipate the invention as recited in claim 6. Reconsideration and withdrawal of the rejection are respectfully requested.

Notably, at least some of the dependent claims, in addition to being patentable due to dependency, are deemed to be separately patentable. On appeal, these claims would be grouped separately as separately patentable.

For example, with respect to claim 24, it explicitly provides, “said received DTD is contained along with said data in said XML document upon reception of said DTD that is to be subject to said verifying.”

If the Office Action regards a referenced DTD to be the “received DTD,” the referenced DTD is not “contained along with said data in said XML document.” This additional, explicit distinction over Meltzer renders claim 24 separately patentable over Meltzer for reasons additional to those set forth above with regard to claim 1.

For at least the foregoing reasons, the instant basis for rejection cannot be sustained. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2-5, 7-10 and 12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Meltzer in view of U.S. Patent No. 6,519,597 to Cheng et al. (“Cheng”).

Cheng cannot make up for the deficiencies in Meltzer.

Item 7 of the Office Action cites a number of passages in Cheng, and suggests that various shortcomings of Meltzer are met. A review of the passages shows that there is no basis for this suggestion. Moreover, the deficiencies in Meltzer are not addressed.

In one of the Cheng passages cited by the Office Action, lines 44-61 of column 9, Change, at best, merely discloses checking that a received DTD satisfies a predetermined criterion, i.e., whether the DTD already exists in the reference table. If the DTD is not in the table, the DTD is then added. If, on the other hand, the DTD is already in the table, there is no need to add the DTD to the table. Cheng merely checks to see if a criterion is met, and merely at the stage at which the Cheng database is being built. It is unclear what nexus the Office Action suggests exists between Meltzer and Cheng in relation to these or any other of the claims in the instant patent application.

The applicants fail to find any furtherance of the position of the Office Action in any other Cheng passages “cited” by the Office Action.

There is no disclosure or suggestion of any “operating on said data contained in the XML document” “when the respective DTD for the generated XML document satisfies a predetermined criterion.” There is also no disclosure or suggestion, in Cheng, of any “verifying that a received DTD satisfies a predetermined criterion.”

In particular, it would not have been obvious to modify Meltzer in view of Cheng to feature, “verifying that a received DTD satisfies a predetermined criterion; and, if said criterion is satisfied, operating on said data based on said content.” For at least this reason, claims 1 and 6 are not rendered obvious by Meltzer in view of Cheng. The same holds true for dependent claims 2-5, 7-10 and 12, although each warrants further consideration based on its additional, individual merits. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 15 stands rejected under 35 U.S.C. 103(a) as unpatentable over Meltzer in view of International Patent Application No. WO 99/57837 to Humpleman et al. (“Humpleman”).

Claim 15 recites, “when said respective DTD satisfies a predetermined criterion, parsing said data in accordance with a format described in said respective DTD to thereby generate parsed data.”

Meltzer fails to disclose or suggest any checking as to whether a DTD “satisfies a predetermined criterion.” Moreover, although Meltzer discloses parsing, there is no disclosure or suggestion of parsing “when said respective DTD satisfies a predetermined criterion.”

In addition, claim 15 further specifies, “operating on the parsed data.”

The Office Action is likewise non-responsive on this point, and it is unclear to the instant applicants what the Office Action suggests in the prior art as corresponding to this feature of claim 15.

For at least these reasons, the proposed combination of prior art references fails to render obvious the invention as recited in claim 15. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 16-17 stand rejected under 35 U.S.C. 103(a) as unpatentable over Meltzer in view of Humpleman and Cheng.

Claims 16 and 17 depend from claim 15, and, as set forth above, Cheng cannot compensate for the shortcomings in Meltzer and Humpleman.

Claims 18-23 stand rejected under 35 U.S.C. 103(a) as unpatentable over Meltzer in view of Humpleman and Cheng.

Item 15 of the Office Action cites passages in Meltzer purportedly to support the proposition that Meltzer discloses limitations of claim 18, namely:

“a second IDD stores N XML processors associated with N named DTDs;
and

a third IDD stores M XML processors associated with M named DTDs.”

The passages cited by the Office Action do not, however, support the proposition apparently being advanced by the Office Action, that Meltzer discloses or suggests the above-quoted limitations of claim 18. Neither do either of the other two references being applied in the instant rejection of claim 18.

There is no apparent way of combining the three references that could properly be said to render claim 18 obvious. Reconsideration and withdrawal of the rejection are respectfully requested.

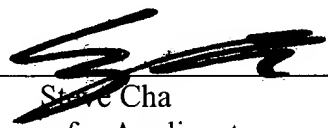
The remaining rejected claims each depend from one of the independent claims, and are deemed patentable for at least the same reasons.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

Date: March 4, 2005

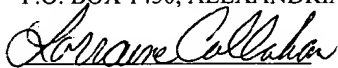

By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:

Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313 on March 4, 2005.


(Signature)

March 4, 2005
(Date)